

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE WAYNE MORRIS,
Petitioner,
v.
SIERRA COUNTY CLERKS OFFICE
AND MEGANS LAW LIST,
Respondents.

Case No. 2:24-cv-1905-JDP (P)

FINDINGS AND RECOMMENDATIONS

Petitioner, an inmate at the California Health Care Facility, brings this action under section 2254. ECF Nos. 11 & 12. I dismissed the first petition filed in this case after finding that it was vague, unexhausted, and time-barred. ECF No. 10. I gave petitioner leave to amend, however, and he has filed a response to my order, ECF No. 11, and a new petition that is largely blank, ECF No. 12. I now recommend that this action be dismissed.

The petition is before me for preliminary review under Rule 4 of the Rules Governing Section 2254 Cases. Under Rule 4, the judge assigned to the habeas proceeding must examine the habeas petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief. *See Valdez v. Montgomery*, 918 F.3d 687, 693 (9th Cir. 2019); *Boyd v. Thompson*, 147 F.3d 1124, 1127 (9th Cir. 1998).

1 In his response to my order, petitioner acknowledges that his claims remain pending in
2 state court. ECF No. 11 at 1. Accordingly, this action should be dismissed without prejudice so
3 that petitioner may, if he chooses, bring his claims in a new habeas petition once he has exhausted
4 them completely in state court. Such exhaustion requires that he present them to the California
5 Supreme Court and receive a decision.

6 Accordingly, it is hereby ORDERED that the Clerk of Court shall assign a district judge
7 to this action.

8 Further, it is RECOMMENDED that the petition, ECF No. 12, be DISMISSED as
9 unexhausted.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, any party may file written
13 objections with the court and serve a copy on all parties. Such a document should be captioned
14 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
15 objections shall be served and filed within fourteen days after service of the objections. The
16 parties are advised that failure to file objections within the specified time may waive the right to
17 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
18 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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20 IT IS SO ORDERED.

21 Dated: March 3, 2025


22 JEREMY D. PETERSON
23 UNITED STATES MAGISTRATE JUDGE

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